

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

IN RE:)
)
)

CHAPTER 13

CHARLES WATTS,
AND AUDREY WATTS,
DEBTORS)
)
_____)

CASE NO. 08-42281-JBR

**OPPOSITION OF DEBTORS TO MOTION OF
CHAPTER 13 TRUSTEE TO DISMISS CASE**

Charles Watts and Audrey Watts (the “Debtors”) oppose the Motion of the Chapter 13 Trustee to Dismiss Case (the “Motion”). In support, the Debtors represent as follows:

1. The Debtors deny that the small discrepancy between claims filed and claims listed in the amended Chapter 13 Plan constitutes an unreasonable delay.
2. The Debtors admit they are in arrears on their Chapter 13 Plan. The Debtors will work with the Chapter 13 Trustee to cure the arrears in a timely manner.
3. The Department of Revenue has claimed that part of its claim is secured and consequently about \$5,000 of penalties is a secured claim. The Debtors have already reached out to the Department of Revenue to resolve this issue and will file an objection to claim to formally resolve the issue if needed.
4. Upon resolution of the claim with the Department of Revenue, the Debtors anticipate filing an amended plan which may result in the amount of the plan payment being reduced.

WHEREFORE, Charles Watts and Audrey Watts respectfully request that this Court enter an Order:

- (1) denying the Motion of the Chapter 13 Trustee to Dismiss Case; and

(2) for such other relief as this Court deems just and proper.

Charles Watts and Audrey Watts
By his attorney,

/s/ Herbert Weinberg
Herbert Weinberg (BBO #550415)
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February 1, 2010

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Opposition to the Motion of the Chapter 13 Trustee to Dismiss Case was this day sent, by mailing, first class mail, postage prepaid, or by electronic filing, to the following:

Mr. & Mrs. Charles Watts
11 Young Avenue
Lawrence, MA 01841

Denise M. Pappalardo
Chapter 13 Trustee
PO Box 16607
Worcester, MA 01601

Julie A. Ranieri, Esq.
Korde & Associates, PC
321 Billerica Road
Chelmsford, MA 01824

Signed under the penalties of perjury this 1st day of February 2010.

/s/ Herbert Weinberg
Herbert Weinberg (BBO #550415)
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